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Attorneys for United States of America

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. CR 18-463-CRB
)	
14 Plaintiff,)	DECLARATION OF CASEY BOOME IN
)	SUPPORT OF UNITED STATES' OPPOSITION
15 v.)	TO MOTION FOR COMPASSIONATE RELEASE
)	
16 VICTOR TURK,)	
)	
17 Defendant.)	
)	
)	

19
20 I, Casey Boome, declare as follows:

21 1. I am an Assistant United States Attorney for the Northern District of California and the
22 attorney assigned to represent the government in the above-captioned case.

23 2. Exhibit A is a true and correct copy of an email that I received from BOP counsel on
24 October 1, 2020 regarding BOP's ongoing care plan for Victor Turk's medical condition. I have
25 redacted personal identifying information contained in Exhibit A

26 3. Exhibit B is a true and correct copy of BOP's calculation of Victor Turk's jail credit and
27 projected release date, which I obtained from BOP counsel.
28

4. Exhibit C is a true and correct copy of Victor Turk's written request for compassionate release, which I obtained from BOP counsel.

5. Exhibit D is a true and correct copy of the warden's written denial of Victor Turk's request for release, which I obtained from BOP counsel.

6. Exhibit E is a true and correct copy of Victor Turk's BOP Inmate Profile, which I obtained from BOP counsel. I have made redactions to Exhibit D to protect Defendant's personal identifying information and the names and telephone extensions of prison staff members.

I declare under penalty of perjury and the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: October 1, 2020

Respectfully submitted,

/s/ Casey Boome
CASEY BOOME
Assistant United States Attorney

Exhibit A

From: [Katherine Carpenter](#)
To: [Boome, Casey \(USACAN\)](#)
Subject: RE: compassionate release motion - Victor Turk (Lompoc)
Date: Thursday, October 1, 2020 12:40:32 PM

Hi Casey,

Fortunately our Western Regional Medical Director was able to review Dr. Bren's letter and inmate Turk's chart. He advised me that Health Services at Lompoc is currently working its way through the testing necessary to determine whether inmate Turk needs an aortic valve replacement. Inmate Turk has already had the echocardiogram, and will be scheduled for a stress test in the near future. Once the stress test has been completed, inmate Turk will be scheduled for a follow up appointment with the cardiologist. If the cardiologist determines that inmate Turk needs an aortic valve replacement, then inmate Turk will be scheduled to see a cardiac surgeon.

I hope that is at least somewhat helpful in terms of addressing the allegations regarding Dr. Bren's letter.

Thanks,
Kathy

Katherine M. Carpenter, Senior Attorney
Federal Bureau of Prisons
Western Regional Office


Fax (

Exhibit B

WXRA3
PAGE 001

*
*

PUBLIC INFORMATION
INMATE DATA
AS OF 09-28-2020

*
*

09-28-2020
12:13:11

REGNO..: 25181-111 NAME: TURK, VICTOR JOHN

RESP OF: LOM

PHONE..: 805-735-2771

FAX: 805-736-1292

RACE/SEX...: WHITE / MALE

AGE: 45

PROJ REL MT: GOOD CONDUCT TIME RELEASE

PAR ELIG DT: N/A

PROJ REL DT: 02-16-2027

PAR HEAR DT:

G0002

MORE PAGES TO FOLLOW . . .

WXRA3
PAGE 002

*
*

PUBLIC INFORMATION
INMATE DATA
AS OF 09-28-2020

*
*

09-28-2020
12:13:11

REGNO.: 25181-111 NAME: TURK, VICTOR JOHN

RESP OF: LOM

PHONE.: 805-735-2771 FAX: 805-736-1292

HOME DETENTION ELIGIBILITY DATE: 08-16-2026

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 02-16-2027 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: CALIFORNIA, NORTHERN DISTRICT
DOCKET NUMBER.....: CR-18-00463-001 CRB
JUDGE.....: BREYER
DATE SENTENCED/PROBATION IMPOSED: 07-31-2019
DATE COMMITTED.....: 11-14-2019
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 383 21:841 SCH II NON-NARCOTIC
OFF/CHG: 21:841(A)(1) AND (B)(1)(B) POSSESSION WITH INTENT TO
DISTRIBUTE 50 GRAMS OR MORE OF METHAMPHETAMINE (CT.1)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 60 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
DATE OF OFFENSE.....: 08-10-2018

-----CURRENT OBLIGATION NO: 020 -----

OFFENSE CODE....: 130 18:924(C) FIREARMS LAWS
OFF/CHG: 18:924(C)(1)(A) CARRYING OR POSSESSING A FIREARM DURING AND IN
FURTHERANCE OF A DRUG TRAFFICKING CRIME (CT.2)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 60 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS 010 010

G0002 MORE PAGES TO FOLLOW . . .

WXRA3
PAGE 003

*
*

PUBLIC INFORMATION
INMATE DATA
AS OF 09-28-2020

*
*

09-28-2020
12:13:11

REGNO.: 25181-111 NAME: TURK, VICTOR JOHN

RESP OF: LOM

PHONE.: 805-735-2771 FAX: 805-736-1292

DATE OF OFFENSE.: 08-10-2018

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 09-05-2019 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 09-05-2019 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.: 07-31-2019
AGGREGATED SENTENCE PROCEDURE.: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.: 120 MONTHS
TOTAL TERM IN EFFECT CONVERTED.: 10 YEARS
AGGREGATED TERM OF SUPERVISION.: 5 YEARS
EARLIEST DATE OF OFFENSE.: 08-10-2018

JAIL CREDIT.	FROM DATE	THRU DATE
	08-10-2018	07-30-2019

TOTAL PRIOR CREDIT TIME.: 355
TOTAL INOPERATIVE TIME.: 0
TOTAL GCT EARNED AND PROJECTED.: 540
TOTAL GCT EARNED.: 108
STATUTORY RELEASE DATE PROJECTED: 02-16-2027
ELDERLY OFFENDER TWO THIRDS DATE: 04-10-2025
EXPIRATION FULL TERM DATE.: 08-09-2028
TIME SERVED.: 2 YEARS 1 MONTHS 19 DAYS
PERCENTAGE OF FULL TERM SERVED.: 21.3
PERCENT OF STATUTORY TERM SERVED: 25.0

G0002 MORE PAGES TO FOLLOW . . .

WXRA3	*	PUBLIC INFORMATION	*	09-28-2020
PAGE 004 OF 004	*	INMATE DATA	*	12:13:11
		AS OF 09-28-2020		

REGNO..: 25181-111 NAME: TURK, VICTOR JOHN

RESP OF: LOM

PHONE..: 805-735-2771 FAX: 805-736-1292

PROJECTED SATISFACTION DATE.....: 02-16-2027

PROJECTED SATISFACTION METHOD...: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

Exhibit C

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Turk, Victor, J 25181-111 K Lompoc
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I am re-requesting a compassionate release as with the Cares Act due to my previous letter to you went unanswered for 30+ Days.

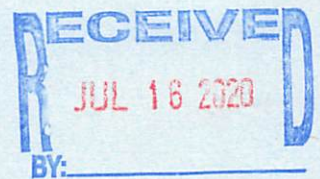
I am a Chronic care inmate with severe Aortic Stenosis (Aortic valvular Disease) with valve regurgitation along with loss of breath frequently, Dizziness, and loss of memory. Due to the Covid-19 outbreak here at Lompoc, my medical needs cannot be provided as which I need to be seen by a outside Cardiologist for regular echocardiograms performed. Once released I have a Address to go to and I will continue with San Mateo Health plan for my medical needs. Thank you

7-15-2020

DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE



DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 1033580-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Exhibit D

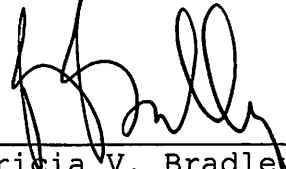
LOM - 1033586-F1
Part B - Response

This is in response to your Request for Administrative Remedy, received on July 16, 2020, wherein you are requesting immediate release to Direct Home Confinement.

The Bureau of Prisons (BOP) is currently assessing the following factors to ensure inmates are suitable for home confinement: reviewing the inmate's institutional discipline history for the last twelve months; ensuring the inmate has a verifiable release plan; verifying the inmates' primary or prior offense history does not include violence, a sex offense, or terrorism related; confirming the inmate does not have a current detainer; reviewing the security level of the facility currently housing the inmate, with priority given to inmates residing in LOW and Minimum security facilities; reviewing the inmate's PATTERN score, with the inmates who have anything above a minimum score not receiving priority treatment; and reviewing the age and vulnerability of the inmate to COVID-19, in accordance with the CDC guidelines. In addition, the BOP is currently prioritizing for consideration those inmates who either: have served 50% or more of their sentences, or have 18 months or less remaining on their sentences and have served 25% or more of their sentences.

You have a projected release date of February 16, 2027, and have only served 19.4% of your sentence. You do not have a PATTERN risk assessment score of Minimum or Low and you are not a Minimum or Low security level inmate. Additionally, you have a serious history of violence based on a 2002 conviction for Robbery. While the BOP's discretion in certain circumstances are subject to revision as the situation progresses, at this time, you are not being considered for direct home confinement.

Therefore, your Request for Administrative Remedy is denied. If you are not satisfied with this reply, you may submit an appeal on the appropriate form (BP-10) to the Regional Director, Western Regional Office, Federal Bureau of Prisons, 7338 Shoreline Drive, Stockton, CA, 95219, within twenty (20) days of the date of this response.



Patricia V. Bradley, Complex Warden



Date

Exhibit E

WXRA3 535.03 *

INMATE PROFILE

* 09-28-2020

PAGE 001

12:11:23

25181-111

REG

REGNO: 25181-111

FUNCTION: PRT DOB/AGE.: / 45

NAME.: TURK, VICTOR JOHN

R/S/ETH.: W/M/O WALSH: NO

RSP.: LOM-LOMPOC USP

MILEAGE.: 236 MILES

PHONE: FAX:

PROJ REL METHOD: GOOD CONDUCT TIME RELEASE

FBI NO.:

PROJ REL DATE.: 02-16-2027

INS NO.: N/A

PAR ELIG DATE.: N/A

SSN.:

PAR HEAR DATE.:

PSYCH: NO

DETAINDER: NO

CMC.: NO

OFFN/CHG RMKS: CR-18-00463-001 CRB; PWITD METHAMPHETAMINE; CARRY OR POSSESS

OFFN/CHG RMKS: A F/A DUR & IN FURTHERANCE OF A DRUG TRAFFIC CRIME; 120M+5Y SR

FACL	CATEGORY	- - - - -	CURRENT ASSIGNMENT	- - - - -	EFF DATE	TIME
LOM	ADM-REL	A-DES	DESIGNATED, AT ASSIGNED FACIL		08-11-2020	1729
LOM	CARE LEVEL	CARE1-MH	CARE1-MENTAL HEALTH		11-18-2019	1304
LOM	CARE LEVEL	CARE2	STABLE, CHRONIC CARE		11-18-2019	1239
LOM	COR COUNSL	CCC K	CCC B. GOMEZ EXT 3561		11-14-2019	1036
LOM	CASE MGT	BIR CERT N	BIRTH CERTIFICATE - NO		12-05-2019	1231
LOM	CASE MGT	DEPEND N	DEPENDENTS UNDER 21 - NO		12-05-2019	1231
LOM	CASE MGT	PHOTO ID N	PHOTO ID - NO		12-05-2019	1231
LOM	CASE MGT	RPP NEEDS	RELEASE PREP PGM NEEDS		11-18-2019	1849
LOM	CASE MGT	SSN CARD N	SOCIAL SECURITY CARD - NO		12-05-2019	1231
LOM	CASE MGT	VET P/S N	PARENT/SPOUSE VETERAN - NO		12-05-2019	1231
LOM	CASE MGT	VETERAN N	VETERAN - NO		12-05-2019	1231
LOM	CASE MGT	V94 CDA913	V94 CURR DRG TRAF ON/AFT 91394		11-18-2019	1848
LOM	CASE MGT	V94 PV	V94 PAST VIOLENCE		11-18-2019	1848
LOM	CASE MGT	WA NO HIST	NO WALSH ACT OFFENSE HISTORY		08-07-2019	1622
LOM	CASEWORKER	CSW K/LP-Z	CSW		11-21-2019	1746
LOM	CUSTODY	IN	IN CUSTODY		08-07-2019	1620
LOM	DRUG PGMS	DAP DIAG	DRUG ABUSE DIAGNOSIS PENDING		07-06-2020	1052
LOM	DRUG PGMS	ED WAIT RJ	DRUG EDUCATION WAIT-RQ JUDREC		12-05-2019	1242
LOM	DRUG PGMS	NR WAIT	NRES DRUG TMT WAITING		11-18-2019	1303
LOM	DESIG/SENT	FCAN YES	FCAN-FULLY COMPLIED W/JUD REC		09-04-2019	1039
LOM	DESIG/SENT	SIERRA	TEAM SIERRA		08-07-2019	1622
LOM	EDUC INFO	ESL HAS	ENGLISH PROFICIENT		11-19-2019	1936
LOM	EDUC INFO	GED HAS	COMPLETED GED OR HS DIPLOMA		11-19-2019	1936
LOM	FIN RESP	PART	FINANC RESP-PARTICIPATES		12-05-2019	1758
LOM	FIRST STEP	FTC INELIG	FTC-INELIGIBLE-REVIEWED		12-04-2019	1431
LOM	FIRST STEP	INELIG AUT	FTC-INELIGIBLE OFF CODE - AUTO		12-17-2019	1521
LOM	FIRST STEP	N-ANGER N	NEED - ANGER/HOSTILITY NO		12-27-2019	1010
LOM	FIRST STEP	N-ANTISO Y	NEED - ANTISOCIAL PEERS YES		12-04-2019	2104
LOM	FIRST STEP	N-COGNTV Y	NEED - COGNITIONS YES		12-04-2019	2104
LOM	FIRST STEP	N-DYSLEX N	NEED - DYSLEXIA NO		09-21-2020	1320
LOM	FIRST STEP	N-M HLTH N	NEED - MENTAL HEALTH NO		07-24-2020	2100
LOM	FIRST STEP	N-MEDICL Y	NEED - MEDICAL YES		09-18-2020	1019
LOM	FIRST STEP	N-RLF Y	NEED - REC/LEISURE/FITNESS YES		09-18-2020	1019
LOM	FIRST STEP	N-TRAUMA Y	NEED - TRAUMA YES		12-04-2019	2104
LOM	FIRST STEP	N-WORK Y	NEED - WORK YES		08-07-2020	0954
LOM	FIRST STEP	R-HI	HIGH RISK RECIDIVISM LEVEL		08-21-2020	1239
LOM	LEVEL	MEDIUM	SECURITY CLASSIFICATION MEDIUM		08-07-2019	1626
LOM	MED DY ST	REG DUTY	NO MEDICAL RESTR--REGULAR DUTY		11-18-2019	1238
LOM	MED DY ST	YES F/S	CLEARED FOR FOOD SERVICE		11-18-2019	1238

G0002

MORE PAGES TO FOLLOW . . .

WXRA3 535.03 * INMATE PROFILE * 09-28-2020
 PAGE 002 OF 002 12:11:23

25181-111 REG
 REGNO: 25181-111 FUNCTION: PRT DOB/AGE.: [REDACTED] / 45
 NAME.: TURK, VICTOR JOHN R/S/ETH.: W/M/O WALSH: NO
 RSP.: LOM-LOMPOC USP MILEAGE.: 236 MILES
 PHONE: [REDACTED] FAX: [REDACTED]

FACL	CATEGORY	- - - - -	CURRENT ASSIGNMENT	- - - - -	EFF DATE	TIME
LOM	PGM REVIEW	NOV	NOVEMBER PROGRAM REVIEW		11-27-2020	1328
LOM	QUARTERS	K05-017L	HOUSE K/RANGE 05/BED 017L		06-30-2020	1009
LOM	RELIGION	NO PREFER	NO PREFERENCE		11-18-2019	1656
LOM	UNIT	K	[REDACTED]		08-11-2020	1729
LOM	WAITNG LST	ED WELD WL	VT AND AOE WELD WAIT LIST		02-05-2020	1513
LOM	WAITNG LST	TRULINCS Y	TRULINCS AUTHORIZED		12-05-2019	1243
LOM	WRK DETAIL	ORD K WK	ORDERLY K UNIT WK		01-10-2020	0001

G0000 TRANSACTION SUCCESSFULLY COMPLETED